

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 11

Etienne Estates at Washington LLC,

Case No. 14-40786 (NHL)

Debtor.

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ORDER DISMISSING THE DEBTOR’S CONFIRMED CHAPTER 11 CASE

WHEREAS, on February 26, 2014 (the “Filing Date”), Etienne Estates at Washington LLC (the “Debtor”) commenced this bankruptcy case by filing a voluntary petition under Chapter 11 of the Bankruptcy Code and thereafter remained in possession and management of its assets as a debtor-in-possession; and

WHEREAS, on May 11, 2017, the Bankruptcy Court entered an Order confirming the Debtor’s Revised Third Amended Plan of Reorganization (the “Order” and “Plan”, respectively) which was substantially consummated following payments to the Debtor’s secured creditor, JJAM Capital LLC (“JJAM”) and other creditors as provided by the Order and Plan; and

WHEREAS, following substantial consummation of the Plan but before entry of a Final Decree, certain disputes arose between the Debtor, JJAM, and James Francis regarding (i) the terms of the Order and Plan; (ii) the Debtor’s delinquencies in making various post-confirmation installment payments to JJAM; and

WHEREAS, it is the Court’s determination that all post-confirmation disputes between the Debtor, JJAM and James Francis should now be litigated in non-bankruptcy courts; and

WHEREAS, the dismissal of the Chapter 11 case shall be without prejudice to the respective parties' rights, claims, and defenses as they previously exist under the Order and Plan.

NOW THEREFORE,

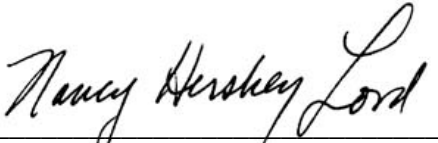
IT IS ORDERED that, pursuant to 11 U.S.C. § 305 this Court hereby abstains from further proceedings in this case; and it is further

ORDERED, that, pursuant to 11 U.S.C. §§ 305 and 1112(b)(1), this confirmed Chapter 11 case be, and the same, is hereby dismissed pursuant to, subject to all prior rulings and orders entered during the bankruptcy, which shall survive the dismissal of the Chapter 11 case and continue in effect pursuant to 11 U.S.C. § 349; and it is further

ORDERED, that the Debtor shall pay to the United States Trustee the appropriate sum required, if any, pursuant to 28 U.S.C. § 1930, and any applicable interest pursuant to 31 U.S.C. § 3717, within ten (10) days of the entry of this Order and the Debtor shall simultaneously provide to the United States Trustee an appropriate affidavit indicating the cash disbursements, if any, for the relevant post-confirmation period.

**Dated: October 13, 2021
Brooklyn, New York**




**Nancy Hershey Lord
United States Bankruptcy Judge**